HON'BLE DR. JUSTICE G. YETHIRAJULU

W.P.No. 35640 of 1998

DATED: 13-12-2007

Between:

1. **Sri Padmavathi Flour Mills,**
   2-A, Renigunta Road, Tirupati, Represented
   by its Proprietor S. Jayaram Chowdary.

…… Petitioner

and

1. **The Director of Marketing,**
   Government of A.P., Hyderabad and four others.

…….. Respondents

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ORDER:

This writ petition has been filed by the petitioner seeking a declaration that respondents 2 to 5 have no power or jurisdiction to levy and collect market fees on the wheat purchased by him from the places outside the State of Andhra Pradesh for the purpose of manufacturing the wheat products and to direct respondents 3 to 5 to refund the market fee collected from the petitioner.

The respondents contended that the petitioner had not produced any proof to establish that the wheat was purchased from outside the State of Andhra Pradesh, therefore, the presumption under Section 12 of the A.P. Markets Act has to be drawn and the petitioner is liable to pay the market fee and accordingly the market fees collected.

The petitioner asserted that he produced the bills at the check post and the respective Secretaries of the Marketing Committee verified them. But, readily the copies of the bills are not available with him.

In the light of the above circumstances, I am inclined to dispose of the writ petition with a direction that the petitioner shall produce the copies of the bills to establish that the wheat at the relevant period was purchased from outside the jurisdiction of the respective Marketing Committees and on such production, the market fee collected shall be refunded to him by respondents 3 to 5.

Therefore, the petitioner is directed to produce the copies of the bills to establish that the wheat at the relevant period was purchased from outside the jurisdiction of the respective Marketing Committees and on such production, the market fee collected from him shall be refunded by respondents 3 to 5. If the petitioner fails to produce such bills, he is not entitled for the refund of the amount.

Accordingly, the Writ Petition is disposed of. No order as to costs.

DR. G. YETHIRAJULU, J

Date:13-12-2007

Note: Issue copy in one week.

YCR